

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES DEAN WILKS,

Petitioner,

v.

REED HOLTGEERTS,

Respondent.

Case No. C05-0235-RSM

ORDER DISMISSING § 2254
PETITION WITHOUT PREJUDICE

The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's answer to the petition, the Report and Recommendation of James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's federal habeas petition (Dkt. No. 7) is DENIED, and this action is DISMISSED without prejudice.
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Donohue.

DATED this 14th day of October, 2005.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

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